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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

PENELOPE HOUSTON, an individual, GREG	)	<b>Case No. C10-01881 JSW</b>
INGRAHAM, an individual, JAMES	)	
WILSEY, an individual, and DANIEL	)	<b>STIPULATION AND <del>PROPOSED</del></b>
O'BRIEN, an individual,	)	<b>ORDER RE: FURTHER EXTENSION</b>
	)	<b>OF TIME TO FILE RESPONSE TO</b>
Plaintiffs,	)	<b>SECOND AMENDED COMPLAINT</b>
	)	
v.	)	<b>Hon. Jeffrey S. White, Presiding</b>
	)	
DAVID FERGUSON, an individual dba CD	)	(E-Filing)
PRESENTS, BURIED TREASURE MUSIC	)	
and ANARCHY ANTHEMS; BURIED	)	
TREASURE MUSIC, BURIED TREASURE	)	
INC., a Corporation of unknown jurisdiction;	)	
INDEPENDENT ONLINE DISTRIBUTION	)	
ALLIANCE, INC., a California Corporation;	)	
TUNECORE, INC., a Delaware Corporation;	)	

and RHAPSODY INTERNATIONAL, INC., a )  
 Delaware Corporation, )  
 Defendants. )

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) of the Civil Local Rules of the United States District Court, Northern District of California, Plaintiffs PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an individual, and DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and Defendant DAVID FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and stipulate as follows:

WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court ordered on June 10, 2011, that Defendant Ferguson's response to the Second Amended Complaint is due by July 5, 2011; and

WHEREAS, this is the ninth request for extension of the date by which Defendant shall file a responsive pleading; and

WHEREAS, the parties have reached a settlement in this matter, are close to finalizing a settlement agreement, and are actively engaged in having it executed by all parties; and

WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court, Northern District of California, permits the parties to extend the time within which to answer or otherwise respond to a complaint by stipulation in writing and without a Court order, provided the change will not alter the date of any event or any deadline already fixed by Court order; and

WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file a responsive pleading to the Second Amended Complaint will not alter the date of any event or any deadline already fixed by Court order; and

WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a responsive pleading should be extended to July 22, 2011, to allow the parties time to execute the settlement agreement;

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1 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective  
2 undersigned counsel, hereby stipulate as follows:

3 1. The time for Defendant David Ferguson to file a responsive pleading to the Second  
4 Amended Complaint shall be extended to and including July 22, 2011;

5 SO STIPULATED.

6  
7 Dated: June 30, 2011

LAW OFFICE OF ALAN KORN

8 By: /Alan Korn/  
9 Alan Korn  
10 *Attorneys for Plaintiffs*  
11 *PENELOPE HOUSTON, GREG INGRAHAM,*  
12 *JAMES WILSEY and DANIEL O'BRIEN*

IDELL & SEITEL LLP

13 Dated: June 30, 2011

14 By: /Richard J. Idell/  
15 Richard J. Idell  
16 *Attorneys for Defendant DAVID FERGUSON*

17 **ATTESTATION OF CONCURRENCE**

18 I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to  
19 General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from  
20 Alan Korn, the above signatory.

21 Dated: June 30, 2011

22 By: /Richard J. Idell/  
23 Richard J. Idell


24 **~~PROPOSED~~ ORDER**

25 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

26 1. Defendant David Ferguson shall file a responsive pleading to the Second Amended  
27 Complaint no later than July 22, 2011.

28 **IT IS SO ORDERED.**

Dated: July 1, 2011

  
Hon. Jeffrey S. White  
Judge of the United States District Court  
Northern District of California